

Final

**Rhode Island Supreme Court Ethics Advisory Panel
Opinion No. 2003-05 Request No. 866
Issued 11, 2003**

Facts:

The inquiring attorney has represented Client A for several years in various business matters. Client A was divorced two years ago. The inquiring attorney did not represent him in the divorce. Client A recently asked the inquiring attorney to represent him on several post-divorce issues that are the subject of a motion filed against him in Family Court by his former wife.

Prior to the divorce, the inquiring attorney took on the representation of Client B in a divorce proceeding, and currently is representing Client B in post-judgment issues. Client B is Client A's former wife's sister. Client B has suggested that the inquiring attorney would have a conflict of interest if he/she represented her former brother-in-law, Client A, in his divorce-related motion.

Issue Presented:

The inquiring attorney asks whether he/she has a conflict of interest if he/she represents Client A in post-divorce issues against his former wife, who is the sister of another client, Client B.

Opinion:

The Panel concludes that there is no conflict of interest, and that the inquiring attorney may represent Client A against his former wife who is Client B's sister.

Reasoning:

The general conflict of interest rule, Rule 1.7 of the Rules of Professional Conduct, states as follows:

- (a) A lawyer shall not represent a client if the representation of that client will be directly adverse to another client, unless:

(1) the lawyer reasonably believes the representation will not adversely affect the relationship with the other client; and

(2) each client consents after consultation.

(b) A lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless:

(1) the lawyer reasonably believes the representation will not be adversely affected; and

(2) the client consents after consultation. When representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the implications of the common representation and the advantages and risks involved.

Rule 1.7 applies where the interests of two concurrent clients are directly adverse, or where the representation of one client is otherwise materially limited by a lawyer's responsibilities to another client. See Rule 1.7. Neither of these circumstances is presented in this inquiry. No doubt Client B's sympathies are with her sister. Whatever hard feelings Client B may hold against the inquiring attorney for representing Client A against her sister, do not amount to a conflict of interest for the inquiring attorney under the Rules of Professional Conflict.

The Panel concludes that the circumstances as presented do not constitute a conflict of interest pursuant to Rule 1.7 and that the inquiring attorney may represent Client A in the pending post-divorce motion.